IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1397 OF 2006

Shri Ganesh Sudam Botre ....Applicant.

V/s

The State of Maharashtra ....Respondent.

Mr. Mahesh Pahane i/b R.S. Deshpande for the applicant.

Ms. S.U. Gajre, APP for the State.

CORAM: V.M. KANADE, J.

DATE: 21st April, 2006

P.C.

1. Heard the learned Counsel for the applicant and the learned APP for the State.

2. The applicant was arrested in connection with C.R. No. 24 of 2006 registered at Chakan Police Station for the offence punishable under sections 395, 411 of the Indian Penal Code.

3. The learned Counsel for the applicant submits that the tempo of the applicant was taken on hire by the accused and, thereafter, they committed dacoity and robbery and transported the stolen goods in his tempo without his consent.

4. The learned APP was directed to take instructions. The learned APP has taken instructions from the Investigating Officer who has stated that the accused have taken tempo from the present applicant on hire. This stand taken by the police is also reflected from the averments which are made by them in the remand application wherein it is stated that tempo of the present applicant was taken on hire. Since this is the only role attributed to the present applicant, the applicant is entitled to be released on bail.

5. The applicant be released on bail in the sum of Rs 5000/- with one or two sureties in the like amount. He shall report to the concerned Police Station as and when called for and otherwise he shall report to the concerned Police Station once in a month.

6. Application is accordingly disposed of.

V.M. KANADE, J.